

EPA to pursue final 'science transparency' rule in 2019

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The Environmental Protection Agency (EPA) plans to pursue next year a final version of its much-criticized rule that would restrict the scientific studies it can use to justify regulations.

In a Friday interview with The Hill, acting EPA chief Andrew Wheeler dismissed the idea that the science transparency regulation was on the “back burner” since the administration recently listed it as a “long-term” regulatory action.

“It is not a back-burner issue. I feel strongly about that,” Wheeler said. “And we will move forward to finalize that next year.”

The transparency rule was a key priority of Wheeler’s predecessor, Scott Pruitt, before he resigned from the agency in July under a slew of ethics and spending scandals.

But Wheeler made it clear that he isn’t letting it fall by the wayside.

“I’ve worked on those issues for over 20 years. So I feel very strongly about science transparency,” said Wheeler, who has previously served as a career EPA employee, a GOP Senate aide and an energy industry lobbyist.

Under the proposal, the EPA would only be able to use scientific data and studies if they are reproducible and the underlying data can be made public, among other factors, with some exceptions, including for personal health data.

Republicans and regulated industries have been pushing similar proposals for years, arguing that the EPA previously relied too much on “secret” science that could not be fully scrutinized.

“I fundamentally believe that the more information that we put out as an agency, the better our decisions will be and the more confidence the public will have in what we’re doing,” Wheeler said.

“And I think if we’re going forward with a regulation, particularly a major regulation, we need to tell the American public, what are we using for basis? How did we decide what we’re deciding? We need to put that information out there.”

Wheeler rejected the main criticism from opponents of the rule, that it is meant to restrict the agency’s ability to regulate by putting out of reach large bodies of valuable science, such as many epidemiological studies that by their nature cannot be reproduced.

“I don’t think it’s designed to restrict what we use. It’s designed to get the information out to the public. The critics look at it as ‘oh, you’re trying to get rid of a lot of the studies, you’re trying to restrict what the agency can use.’ No,” he said.

“And part of it is to send a signal to the research community that you need to make your data available to the public. Particularly if the United States government is paying for it. But we need to make the data available to the public.”

Wheeler's opponents had read as a positive sign an October report by the White House Office of Management and Budget that the proposal was either dead or not a priority for the EPA, since it was listed in "long-term" actions that wouldn't be finalized before 2020 at the earliest.

For those critics, Wheeler's dedication to the rule is concerning.

California Attorney General Xavier Becerra, who has sued the Trump administration's EPA numerous times — frequently with success — said if the science rule moves forward, he'll fight it.